

REMARKS

Attached hereto is an Excess Claims Fee Letter and fee.

It is noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1, 3, 4, and 7-45 are all of the claims pending in the present Application. Claim 1 has been canceled above. New claims 39-45 are added above.

Claims 1, 3, 4, 7-17, 20-30, 33, 37, and 38 stand rejected under 35 USC §103(a) as unpatentable over US Patent 5,434,917 to Naccache et al., further in view of US Patent 5,974,150 to Kaish et al. and US Patent 6,543,685 to Lien et al. Claims 34-37 stand rejected under 35 USC §103(a) as unpatentable over Naccache, further in view of Kaish.

These rejections are respectfully traversed, and Applicants' position is further clarified in view of the following discussion, since the Examiner seems to have misunderstood the significance of the Applicants' arguments in the previous Amendment.

I. THE CLAIMED INVENTION

As described and claimed, for example by new claim 39, the present invention is directed to a method of guaranteeing authenticity of an object that includes or has attached thereto at least one of a chip with a recording support and another recording support.

Attached to the object is a first sample of material obtainable by at least one of a chemical process and a physical process having a characteristic that samples generated by the process are random and non-reproducible. The first sample is associated with a first number obtained by reading the first sample using a first reader of a specific sort. The first number is long enough to both carry enough information to detect any counterfeited second sample different from the first sample but which second sample, when read with a reader of the specific sort, would generate a second reading substantially identical to the first reading of the first sample and to contain as many digits as encryptions that are considered as safe at a time of production and expected to be safe for some years to come afterward.

An exact value of the first number is recorded on at least one of the recording supports at said time of production in an exactly readable way, so that the first number can be checked against a later reading made with any reader of the specific sort at each time of verification of the object, thereby providing a first verification that verifies that a sample being read at the verification of the object is indeed the first sample.

At the time of production, at least one encrypted version of the first number is formed. At least one of the encrypted versions of the first number is also recorded in an exactly readable way on the object at the time of production. The at least one encrypted version of the first number is obtained by a method from public key cryptography that is considered as safe at the time of production and expected to be safe for some years to come afterward. The recording of the at least one encrypted version thereby provides a second verification that verifies at the verification that the encrypted version of the first number was generated by an authorized party.

Information concerning the public key cryptography method is available so that the second verification can be made by anyone of an intended public.

II. THE PRIOR ART REJECTION

The Examiner is understood as alleging that Naccache, in combination with Kaish and Lien renders obvious claims 1, 3, 4, 7-17, 20-30, 33, 37, and 38, and that Naccache in combination with Kaish renders obvious claims 34-36.

Relative to the first allegation, Applicants respectfully request that the Examiner appropriately address each of the claims listed (e.g., only claims 1, 33, 8, 19, 30, 37, and 38 are actually addressed in the rejection) and that this correction be provided as a non-final rejection, in order to permit Applicants to provide the proper arguments and claim amendments in accordance with a rejection that correctly address all claims.

However, in a good-faith attempt to timely respond to the incomplete rejection currently of record, Applicants have submitted this Amendment, including the arguments, as follows.

First, Applicants again respectfully submit that the current rejection heeds the plain meaning of the language. More specifically, claim 1 requires that the number that is recorded is the number resulting from the reader, before the number has been encoded.

In contrast, as clearly described at lines 9-10 of column 3 of Naccache and at lines 21-24 of column 26 of Kaish, it is the encoded version that is recorded in both Naccache and Kaish. Neither reference suggests providing a recording of the output of the reader, prior to encoding.

The advantage of this aspect of the present invention, as described in the language of new claim 39, is that recording the number as read from the reader permits a verification of the sample alone, without having to take into account the factor of the encoding process. This feature is particularly significant when the sample is subject to degeneration, since the output from the reader will provide a clear indication of the degeneration.

Second, the Examiner seems again to miss the significance, as previously explained by Applicants, that Naccache use discrete marbles to provide the random pattern. This techniques differs from the less-precisely-measurable dichroic fibers of Kaish.

Therefore, relative to claim 1, which expressly addresses a sample that is not discrete in nature, Applicants submit that the Examiner has the initial burden to replace the discrete marbles embedded in plastic with the dichroic fibers woven into a fabric label. The dichroic fibers will clearly not be simply interchangeable with the steel marbles used in Naccache.

The Examiner's reliance upon lines 34-35 of column 22 of Kaish would, at most, suggest that a copyrighted portion be somehow added to the plastic card of Naccache, and not, as the Examiner seems to suggest, that the marbles of Naccache be replaced by woven fibers of Kaish. It is noted, for purpose of appeal, that the principle of operation obviously differs between plastic-embedded marbles versus dichroic fibers woven into a fabric label.

Therefore, Applicants submit that there remains no reasonable motivation to replace the precisely-measurable marble distribution taught by Naccache with the less-precisely-measurable dichroic fibers of Kaish.

Hence, turning to the clear language of the claims, Applicants submit that there is no teaching or suggestion in Naccache of: "... to allow for sample-reader combinations such that the number associated to said sample is only essentially reproducible, recording said first number on said object card on said recording support on one of said chip and said another recording support, ... ", as required by claim 1.

Applicants submit that for this reason alone, claim 1 is clearly patentable over Naccache.

Additionally, new claim 39 highlights that both the sample-reader number and the encoded number are recorded in some embodiments of the present invention. This is clearly shown in Figure 1, wherein item 107 is described at line 19 of page 17 to be the digital representation of S0 from the reader R0.

For the reasons stated above, the claimed invention is fully patentable over the cited references.

Further, the other prior art of record has been reviewed, but it too, even in combination with Naccache or Kaish, fails to teach or suggest the claimed invention.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1, 3, 4, and 7-45, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 09-0441.

Respectfully Submitted,

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